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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KUMAGAI, Monto H., *et. al.*

Appl. No. 09/359,300

Filed: July 21, 1999

For: **METHOD OF DETERMINING
THE PRESENCE OF A TRAIT
IN A PLANT BY
TRANSFECTING A NUCLEIC
ACID SEQUENCE OF A NON-
PLANT DONOR INTO A HOST
PLANT IN A POSITIVE
ORIENTATION**

Art Unit: 1643

Examiner: To be assigned.

Atty. Docket: 08010137US07

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

BOX: OFFICE OF INITIAL PATENT EXAMINATION CUSTOMER SERVICE CENTER
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant(s) hereby request(s) that a corrected Official Filing Receipt be issued and sent to the undersigned representative. Specifically, the following corrections to the Official Filing Receipt are requested:

Attorney Docket No. 08010137US07

**ALBERT P. HALLUIN
HOWREY & SIMON
1299 PENNSYLVANIA AVENUE NW
BOX 34
WASHINGTON DC 20004**

Additional corrections that are requested now are the following:

**CONTINUING DATA AS CLAIMED BY APPLICANT-
THIS APPLICATION IS A CIP OF 09,232,170 1/15/99
WHICH IS A CIP OF 09/008,186 1/16/98**

In support of the above request, a photocopy of the instant Official Filing Receipt is enclosed with the corrections noted in red. Additionally enclosed are copies of the first page of the filed Application, and the Utility Patent Application Transmittal, highlighted in red to show the correct information that had been submitted to your office. It is therefore believed proper that a corrected Official Filing Receipt be issued, reflecting the correction of all the above-noted error(s). It is further requested that the corrected Official Filing Receipt be sent to the undersigned at the earliest possible time.

It is submitted that this submission is necessitated as a result of an error by the U.S. Patent and Trademark Office. Therefore, it is believed that no fees are due in connection with this submission. However, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to **Deposit Account No. 08-3038**, referencing docket number **08010137US02**.

Respectfully submitted,


Albert P. Halluin (Reg. No.25, 227)

Date: 10/8/99

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Enclosure

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/359,300	07/21/99	1643	\$0.00	08010137US07	23	110	11

ALBERT P. HALLUIN
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AUG 25 1999

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HOWREY & SIMON (M.P.)

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) MONTO H. KUMAGAI, DAVIS, CA; GUY R. DELLA-CIOPPA, VACAVILLE, CA; ROBERT L. ERWIN, VACAVILLE, CA; DAVID R. MCGEE, VACAVILLE, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLICATION IS A CIP OF 09,232,170 1/15/99
WHICH IS A CIP OF 09/008,186 1/16/98

INSERT

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 08/18/99

TITLE

METHOD OF DETERMINING THE PRESENCE OF A TRAIT IN A PLANT BY
TRANSFECTING A NUCLEIC ACID SEQUENCE OF A NON-PLANT DONOR INTO A HOST
PLANT IN A POSITIVE ORIENTATION

PRELIMINARY CLASS: 435

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DATA ENTRY BY: RORIE, DEANNA

TEAM: 03 DATE: 08/18/99



(See reverse for new important information)

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PTO/SB/05 (2/98)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(h))</i>		Attorney Docket No. 08010137US07
		First Named Inventor of Application Identifier
Title	Method of Determining the Presence of a Trait in a Plant by Transfecting a Nucleic Acid Sequence of a Non-Plant Donor Into a Host Plant in a Positive Orientation	
Express Mail Label No.		EL273178733US

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents</i>	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. <input checked="" type="checkbox"/> *Fee Transmittal Form (Form PTO-1082) <i>(Submit an original and a duplicate for fee processing)</i>	6. <input type="checkbox"/> Microfiche Computer Program <i>(Appendix)</i>
2. <input checked="" type="checkbox"/> Specification <i>(preferred arrangement set forth below)</i> [Total Pages 85] - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R&D - Reference to Microfiche Appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claims - Abstract of the Disclosure	7. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies
3. <input checked="" type="checkbox"/> Drawing(s) <i>(35 USC 113)</i> [Total Sheets 23]	ACCOMPANYING APPLICATION PARTS 8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i> 10. <input type="checkbox"/> English Translation Document <i>(if applicable)</i> 11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 12. <input type="checkbox"/> Preliminary Amendment 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Two) <i>(should be specifically itemized)</i> 14. <input type="checkbox"/> *Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application, Status still proper and desired 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. <input type="checkbox"/> Other:
4. Oath or Declaration [Total Pages 1] a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i> [Note Box 5 below] i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	
5. <input type="checkbox"/> Incorporation By Reference <i>(useable if Box 4b is checked)</i> The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.	
*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).	

17. If a CONTINUING APPLICATION , check appropriate box and supply the requisite information: <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input checked="" type="checkbox"/> Continuation-in-part (CIP) Prior Application Information: Examiner: _____ of prior application No: 09/232,170 Group/Art Unit: _____

18. CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number or Bar Code Label <i>(Insert Customer No. or Attach bar code label here)</i> or <input checked="" type="checkbox"/> Correspondence address below					
NAME: Albert P. Halluin HOWREY & SIMON Box No. 34 1299 Pennsylvania Avenue, N.W. CITY: Washington STATE: DC ZIP CODE: 20004-2402 COUNTRY: US TELEPHONE: 202-783-0800 FAX: 202-383-7195					
Name (Print/Type)		Albert P. Halluin		Registration No. (Attorney/Agent)	
Signature		<i>Albert P. Halluin</i>		Date: July 21, 1999	